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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,116	10/31/2003	Kevin Donnelly	60809-0143-US	4990
38456	7590	05/12/2005	EXAMINER	
DENIRO/RAMBUS 685 MARKET STREET, SUITE 540 SAN FRANCISCO, CA 94105			CHACE, CHRISTIAN	
			ART UNIT	PAPER NUMBER

2189

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b><i>Advisory Action Before the Filing of an Appeal Brief</i></b>	<b>Application No.</b> 10/699,116	<b>Applicant(s)</b> DONNELLY ET AL.	
	<b>Examiner</b> Christian P. Chace	<b>Art Unit</b> 2189	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 1 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL


2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: To begin, applicants assert that two information disclosure statements were submitted 1/12/05 and 3/15/05, and applicants request consideration thereof (instant remarks at page 8). In fact, three IDS have been received since 1/12/05. The IDS received 1/12/05 has been considered by examiner, as the fee was paid. Apparently, that IDS was not scanned into the case in IFW at the time of the final action. Examiner apologizes for any inconvenience as a result. However, IDS received 3/17/05 and 4/11/05 were received after the final rejection was issued. Accordingly, a fee AND a statement under 37 CFR 1.97(e) must be submitted to facilitate consideration at this late stage of prosecution. No statement appears to have been included. Should applicants not be willing or able to supply such statement, an RCE or continuation must be filed to facilitate consideration of the references contained in those IDS documents. (see MPEP 609(B)(3)). Next, applicants assert at page 8 of the instant remarks that examiner suggested in the reasons for the indication of allowable subject matter to amend claims 11 and 25 to include, "a re-timer to re-time data received from the first channel using a first clock signal and to retransmit the data to the second channel using a second clock signal." However, examiner did not make such a suggestion. On page 8 of the previous Office action, examiner noted that claim 1 was allowable because "a re-timer configured to re-time data received from the first channel using the first clock signal and to transmit the data to the second channel using the fourth clock signal is not taught or suggested by the cited prior art of record." Accordingly, using a second clock signal in the second channel would require further search and/or consideration. Also, at the top of page 9 of the instant remarks, applicants note that "bi-directional communication channels" has been replaced to expedite prosecution. Accordingly, the deletion of same and previous related arguments in no way bind or affect the interpretation, infringement, validity and/or enforceability of any claim(s) or patent(s) resulting from, or relating to this application. Examiner is confused. Clearly, claim language affects the interpretation of the claim. If any subject matter is removed from the claim, the interpretation MUST be affected. 37 CFR 1.75(a), e.g., clearly states that the specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention or discovery. Therefore, removing "bi-directional communication channels" certainly affects the interpretation of the claims which it was removed from. Applicants continue on page 9 of the instant specification, to discuss comments regarding the statement of allowable subject matter in the previous Office action. Specifically, applicants believe that the REASONS, to extent understood, may be misconstrued and, as such, are incomplete." Applicants offer no explanation, however, for what they believe was misconstrued or may not be understood. Accordingly, examiner cannot offer any clarifying comments with respect to same unless a more specific argument or comment is put forth by applicants. Again, applicants continue, by asserting that the REASONS in no way bind or affect the interpretation, infringement, validity and/or enforceability of any claim(s) or patent(s) resulting from, or relating to this application. Again, examiner is confused, as these factors would seem to be more appropriate for a court of law to decide, as opposed to an assertion by applicants during prosecution. Accordingly, examiner is again unable to respond to the merits of such statements. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_

 Application No.  
Christian P. Chace  
Primary Examiner  
Art Unit: 2189

U.S. Patent and Trademark Office  
PTOL-303 (Rev. 4-05)

**Advisory Action Before the Filing of an Appeal Brief**

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